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★ SEP 30 2015 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE LOCAL 7 TILE
INDUSTRY WELFARE FUND, et. al,

Plaintiffs,

14 CV 4097 (SJ) (CLP)

-against-

**ORDER ADOPTING
REPORT AND
RECOMMENDATION**

EAQ CONSTRUCTION CORP., et. al,

Defendants.
-----X

A P P E A R A N C E S:

VIRGINIA & AMBINDER, LLP
40 Broad Street, 7th Floor
New York, NY 10004

By: Elina Burke
Michael Bauman
Attorney for Plaintiffs

JOHNSON, Senior District Judge:

On August 24, 2015, Magistrate Judge Cheryl Pollak issued a Report and Recommendation ("Report") recommending that Plaintiffs' motion for default judgment be granted and that costs be awarded in the amount of \$400. Magistrate Judge Pollak, however, recommended that Plaintiffs' request for damages for delinquent contributions, interest, liquidated damages, auditors' costs, injunctive relief and attorneys' fees be denied without prejudice, and recommended that Plaintiffs be afforded an opportunity to submit additional papers in support of these

requests, addressing the deficiencies outlined in the Report. Neither the Plaintiffs nor the Defendants have filed any objections to the Report, even after being granted an additional 18 days to file their objections. The Court finds no error in the Report and adopts the Report in its entirety.

A district court judge may designate a magistrate judge to hear and determine certain motions pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the motion. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Within fourteen days of service of the recommendation, any party may file written objections to the magistrate's report. See id. Upon *de novo* review of those portions of the record to which objections were made, the district court judge may affirm or reject the recommendations. See id. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections may waive the right to appeal this Court's Order. See 28 U.S.C. § 636(b)(1); Small v. Sec'y of Health and Human Servs., 892 F.2d 15, 16 (2d Cir. 1989).

In this case, objections to Magistrate Judge Pollak's recommendations were due on September 25, 2015. No objections to the Report were filed with this Court. Upon review of the recommendations, this Court adopts and affirms Magistrate Judge Pollak's Report in its entirety. Plaintiff's motion for default judgment is

granted, costs are awarded in the amount of \$400, and the remainder of Plaintiffs' request is denied without prejudice, as set forth in the magistrate judge's Report and Recommendation.

This action will be closed on October 7, 2015, in the absence of the submission of supporting documentation by Plaintiffs addressing the deficiencies described in the Report.

SO ORDERED.

Dated: September ²⁹, 2015
Brooklyn, NY

15/USDJ JHJ
Sterling Johnson, Jr., U.S.D.J.